

PATENT

Docket No.: DEAV2003/0025 US NP

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of
Armin Hofmeister, et al.

Examiner: Davis, Zinna Northington

Art Unit: 1625

Serial No.: 10/807,781

Filed: **March 24, 2004**

Certificate of Transmission

Title: **Composition, Process of Making, and
Medical Use of Substituted 4-
Phenyltetrahydroisoquinolines**

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Response to Restriction/Election Requirement Under 35 U.S.C. § 121

Sir:

This is in response to the Office Action, Paper No. 0506, dated, May 25, 2006, having a response due by June 25, 2006 in the above-identified patent application. It is respectfully requested that the following provisional election, and the remarks be entered in this case.

PROVISIONAL ELECTION:

Applicants provisionally elect with traverse the invention Group I, claims 1-6, 14 and 15 drawn to a chemical compound and a pharmaceutical composition of formula I.

ELECTION OF A SUB-SPECIES AND A SINGLE DISCLOSED COMPOUND:

Applicants provisionally elect with traverse a sub-generic species falling within the scope of invention Group I to be a compound of formula I, wherein $R_1 = R_3 = R_6 = R_7 = R_8 = \text{hydrogen}$, $R_2 = R_4 = \text{halogen}$, $R_5 = \text{alkyl}$, $R_9 = \text{L-G}$, wherein $\text{L} = \text{NR}_{30}\text{CO-}$, and $\text{G} = \text{C}_a(\text{OR}_{32})_x\text{H}_{2a+1-x}$, wherein $R_{30} = R_{32} = \text{hydrogen}$ and $x = a = 5$. A single specific compound falling within this sub-generic species is N-[3-(6,8-dichloro-2-methyl-1,2,3,4-tetrahydroisoquinolin-4-yl)phenyl]-(2R,3S,4R,5R)-2,3,4,5,6-pentahydroxyhexanamide,

which is described as Example 2 at line 42, page 43 to line 22, page 44 of the specification. Please note that all of claims 1 to 6, 14 and 15 read on this elected subgeneric species as well as the single disclosed compound as provisionally elected herein.